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Carter kept mum, too

Turner, ex-head of CIA, cites 3 secret operations

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WASHINGTON —Former CIA chief Stansfield Turner has disclosed three instances in which President Jimmy Carter postponed notifying Congress about secret operations in Iran.

"In all three of these instances, the information was so tightly held that, had the full intelligence committees of Congress been informed, more people would have known about the operation than inside the CIA," Turner wrote in yesterday's editions of *The Washington Post*.

Turner described in detail the three operations, all aimed at helping free the American hostages held in Iran from 1979 to 1981:

"First, in 1980, the CIA facilitated the successful escape from Tehran of the six Americans who were hidden in the Canadian Embassy. This involved sending a CIA person into Tehran at high risk to his life to engineer the departure.

"Second, when our military was searching for a way to refuel the helicopters that were to fly to Tehran to rescue our hostages there,

CIA personnel flew a light aircraft into the Iranian desert. They landed there by light of the full moon and took core samples of the soil to prove that it was a suitable landing strip for conducting the necessary refueling operations.

"Third, CIA personnel went repeatedly into hostile Tehran to survey what the rescue force would find on its arrival and to purchase

the trucks to transport the men from their helicopters to the embassy. Each such trip was a highly risky venture and any hint that we were doing such a thing through Mehrabad Airport would almost certainly have caught one of our people in the Iranian noose."



Jimmy Carter

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Covert Common Sense: Don't Throw the CIA Out With the Ayatollah

By Stansfield Turner

AT ISSUE in the current imbroglio over the administration's dealings with Iran is whether Congress should have been informed about what was going on.

The answer is yes, the Congress should have been informed from the beginning. The reason, though, is not because the president was explicitly required by law to inform Congress of all intelligence operations. He wasn't. Instead, the law ultimately leaves it to the president to decide whether he should postpone notification to the Congress of especially sensitive operations. In my view, that sensitivity test wasn't met in the case of the Iran operation.

Although I have been a strong supporter of congressional oversight of intelligence activities, I don't think we should change the existing procedures that allow a president to delay notification in certain extreme cases. There *are* operations that are too sensitive—too likely to get people killed if they are disclosed—to share immediately with Congress. We shouldn't lose sight of this fact in the current uproar over Iran. We shouldn't, in other words, throw the baby out with the bath water.

My conviction stems from the fact that on three occasions—each involving Iran—I recommended to President Carter that he postpone notification of Congress until completion of a risky operation. These three instances are described below.

The question of congressional notification over the Reagan administration's Iran operation first arose last Jan. 17 when the president directed the Central Intelligence Agency to assist in the dealings that were already underway with Iranian officials. It was then that the president chose to tell CIA Director William Casey to keep the agency's role from Congress.

The option to do this was built into a 1980 revision to the Hughes-Ryan Amendment of 1974, the first legal requirement for specific congressional oversight of our intelligence activities. It required notification of all covert ac-

tivities in support of foreign policy; that is, our efforts to influence what happened in foreign countries, not our intelligence-gathering activities. The CIA assistance in the administration's recent covert dealings with Iran fits into this category.

Under Hughes-Ryan, the CIA had been required to advise eight committees of Congress on such covert activities. In 1980 the Carter administration urged Congress to limit notification to just the House and Senate Intelligence committees. In turn, those committees pressed for more stringent assurances that they would be notified prior to the commencement of any covert operation. In part this was

because we in the Carter administration had not given prior notification about the three covert operations I mentioned earlier. We informed the Congress only when the possibility of serious damage from disclosure had passed.

In recognition of this, the Senate Intelligence Committee proposed adding wording that narrowed notification to only the chairmen and ranking minority members of the two intelligence committees and the majority and minority leaders of the two chambers when there were "extraordinary circumstances." We felt even that was too restrictive, and I believe President Carter would have vetoed a bill with that restraint. To resolve the potential stand-off, the Senate's wording was retained, but an entirely new paragraph was added.

That mitigating, and now controversial, paragraph provides that there are times when a president need not notify even the limited list of leaders stipulated in the Senate committee's paragraph. Nothing is said limiting when the president can opt to postpone notification and, thus, it can be read as an open-ended invitation. It is not, because the situation surely would have to be more sensitive than those which allowed notification to be only to the congressional leadership, i.e., "extraordinary circumstances." And this new paragraph also says the president must "fully inform the intelligence committees in a timely fashion." Today, then, a president is permitted to judge whether the circumstances warrant postponing notification and, if so, for how long.

The issue before us now is whether President Reagan appropriately exercised these options in the instance of our recent involvement with Iran. Administration spokesmen have adduced two reasons for postponing notification of Congress. The first is that the Iranian "moderates" with whom we were dealing could have been endangered by any leak of their collaboration with the "Great

Satan." That is not an unreasonable proposition, but it does indicate considerable skepticism by this administration about the integrity of our congressional leadership.

The second stated reason is that the lives of our hostages would have been endangered by a leak, especially if it was revealed that the United States had colluded with the "infidel" Israel. This is ostensibly a more sensitive and reasonable explanation. But it is based on questionable assumptions and it is inconsistent with the administration's position that it entered into these dealings as an opening to Iran, not as a means of securing the release of the hostages.

For comparison, let me describe the three instances in which President Carter postponed notification. All were cases in which the CIA provided important support to the effort to rescue our hostages in Iran in 1979-81 and were covered by one presidential directive or "finding" to the CIA. In all instances, there was a very high probability that human life would have been lost, or at the least, individuals incarcerated, if there had been the slightest leak.

- First, in 1980, the CIA facilitated the successful escape from Tehran of the six Americans who were hidden in the Canadian embassy. This involved sending a CIA person into Tehran at high risk to his life to engineer the departure.

- Second, when our military was searching for a way to refuel the helicopters that were to fly to Tehran to rescue our hostages there, CIA personnel flew a light aircraft into the Iranian desert. They landed there by light of the full moon and took core samples of the soil to prove that it was a suitable landing strip for conducting the necessary refueling operations.

- Third, CIA personnel went repeatedly into hostile Tehran to survey what the rescue force would find on its arrival and to purchase the trucks to transport the men from their helicopters to the embassy. Each such trip was a highly risky venture and any hint that we were doing such a thing through Mehrabad Airport

would almost certainly have caught one of our people in the Iranian noose.

In all of these instances, the information was so tightly held that, had the full Intelligence committees of the Congress been informed, more people on Capitol Hill would have known about the operation than inside the CIA! These, in my view, are instances in which, if we had not been able to postpone notification, we probably would not have proceeded.

The question for each of us today is to judge whether or not the probabilities of loss of life of our hostages in Beirut or potential damage to Iranian "moderates" in Tehran warranted a similar postponement of notification to Congress. In my view the answer is clearly no, but the question now is too moot to accuse the president of having broken the law. What apparently was broken was a written agreement between Casey and the Senate Intelligence Committee in the wake of complaints that he had not adequately informed Congress about the mining of Nicaraguan harbors. That's a matter between Casey and the committee, not a question of law.

Beyond passing judgment on the administration's action in this instance, we have a more fundamental concern. That is whether the ambiguity in the law should be clarified. Some are already suggesting that there should be no room at all in the law for exceptions. That would, I believe, be very undesirable. There will almost certainly be situations in which such a restriction would deny the United States the opportunity to undertake highly sensitive covert operations that could be of real importance to the nation.

We must have congressional oversight of our intelligence activities, especially covert operations, which really amount to clandestine foreign policy. But oversight will work only if there is a high degree of mutual trust between Congress and the White House. It is obviously difficult for Congress to acknowledge that there may be instances in which it might be prudent not to inform even eight of its key members. But this is a time for Congress to be cautious. In seeking to correct a questionable judgment call by one administration, Congress should not create a rigidity of law that will affect many administrations.

Stansfield Turner, director of Central Intelligence from 1977-81, is the author of "Secrecy & Democracy, the CIA in Transition."